

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SHELDON G. ADELSON,
Plaintiff,

V.

MOSHE HANANEL,
Defendant.

Civil Action No.

04-cv-10357-RCL

**MOTION OF HANANEL TO EXTEND TIME TO FILE AND SERVE ANSWER AND
OPPOSITION TO MOTION FOR SUMMARY JUDGMENT
UNTIL DECISION ON MOTION TO STAY PROCEEDINGS AND
REQUEST FOR EXPEDITED CONSIDERATION AND RULE 7.1 CERTIFICATION**

The undersigned hereby certifies that the conference required by Local Rule 7.1(A)(2) occurred by e-mail between James A.G. Hamilton and Andrew Schapiro on January 25, 2008, without agreement.

Motion of Hananel to Extend Time to File and Serve Answer and Opposition to Motion for Summary Judgment Until Decision on Motion to Stay proceedings and Request for Expedited Consideration.

Defendant Moshe Hananel (“Hananel”) hereby moves (1) to extend the time to file and serve his Answer and Opposition to Plaintiff’s Motion for Summary Judgment in the above action until a date twenty days following an adverse decision by this Court on Hananel’s Motion to Stay Proceedings, and (2) to request an expedited determination. As grounds, Hananel says:

1. In papers in support of his Motion to Stay Proceedings, including a Memorandum in Support and the 12th Affidavit of Moshe Hananel, filed simultaneously herewith, Hananel describes the ongoing prior litigation in Israel between Hananel and Adelson involving identical parties and issues and set forth the substantial activity which has occurred over the preceding six years culminating in an ongoing trial in Israel scheduled to complete testimony on February or

March, 2008 with post-trial briefing and judgment to follow (as set forth in Hananel's papers in support of the Motion to Stay).¹

2. The interests of justice will be served by deferring the Answer and Opposition to Plaintiff's Motion for Summary Judgment because said pleadings will be deferred if the Motion to Stay is allowed, and the expense to both parties, of pursuing the present duplicative litigation while the prior continuing trial in Israel is going forward, will not be necessary.

WHEREFORE, the Court is requested to extend the time for filing and service of Hananel's Answer and Opposition to Motion for Summary Judgment to a date twenty days following the entry of an adverse decision by this Court on Hananel's Motion to Stay Proceedings and to consider this Motion on an expedited basis.

Respectfully submitted,
MOSHE HANANEL
By His Attorneys,

/s/ James A. G. Hamilton
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January 28, 2008

¹ This Court (Magistrate Judge Sorokin) had previously extended Hananel's Answer and summary judgment response dates to a time fourteen days following an adverse decision by the District Judge on Hananel's then-pending motion to dismiss. Dkt # 110 and 115. The Magistrate Judge recommended dismissal, and the District Judge adopted the recommendation, but the Court of Appeals for the First Circuit reversed the judgment, and the mandate issued on January 17, 2008. As noted in Hananel's Motion to Stay papers, circumstances have radically changed in that the Israeli trial is now in full swing and the reasons for a stay of proceedings in this Court are even more compelling than at the time the Court granted the earlier extensions.

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on January 28, 2008.

/s/ James A.G. Hamilton
James A.G. Hamilton